

MEMO ENDORSED



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October 1, 2007

BY FACSIMILE (914-390-4085)
AND FIRST CLASS MAIL

The Hon. Charles L. Brieant, USDJ
United States Courthouse
300 Quarropas Street - Room 275
White Plains, New York 10601

Re: **Ferranto v. Tiongson-Atienza, et. ano.**
Docket No.: 07 cv 5986 (CLB)

Honorable Sir:

This firm represents plaintiff, John A. Ferranto, in the above-referenced action. We recently received notification that this action was reassigned to Your Honor.

I am writing to respectfully advise the Court that defendant Dianne Y. Tiongson-Atienza has not appeared or answered in this action, and that very shortly after commencement of this action and service upon her of Notice of the lawsuit and Request For Waiver of Service of Summons, she filed a Chapter 7 bankruptcy petition in the District of New Jersey. A copy of the notice received by Mr. Ferranto from the Bankruptcy Court is annexed hereto, for the Court's reference.

Our client is presently considering his options with respect to defendant Tiongson-Atienza's bankruptcy.

Would Your Honor kindly advise as to whether this office and counsel for defendant Liberty Harley-Davidson/Buell, which has appeared and answered, and is represented by Fogarty, Felicione & Duffy, P.C., should nonetheless appear for the Initial Case Management Conference on October 12, 2007?

Thank you for your attention herein and consideration hereof.

Very truly yours,

Debora J. Dillon

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DJD/pah

Enc.

cc: Fogarty, Felicione & Duffy, P.C. (by fax)